

PROFESSOR KANE'S IDEOLOGY MATRIX: *and The Genius of Pragmatism**

"The problem with ideology is it tries to answer a question before it's been asked" – Bill Clinton

Questions/Issues:	Nationalism/ Natnl Socialism	Fascism	Capitalism	Classic Liberalism/ Libertarianism	Communitarianism	Socialism	Bolshevism	Anarchism	Lovisim	Catholic Falangism	Calvanist Puritanism	Islamism	Ideology:
Freedom of Thought/Conscience?	NO	NO	?	OK	OK	OK	NO	OK	OK	NO	OK	NO	
Free Press?	NO	NO	OK	OK	OK	?	NO	OK	?	NO	?	NO	
Alcohol/Marijuana Consumption?	?	?	OK	OK	OK	OK	OK	OK	?	OK	NO	NO	
Prostitution?	OK	OK	OK	OK	?	?	NO	OK	NO	NO	NO	NO	
Marital Divorce?	?	?	OK	OK	?	OK	OK	OK	NO	NO	NO	OK	
Public Protest?	NO	NO	?	OK	?	?	NO	OK	OK	NO	?	NO	
Free Speech/ Criticism?	NO	NO	NO	OK	?	?	NO	OK	OK	NO	OK	NO	
Torture?	OK	OK	OK	NO	NO	NO	OK	NO	NO	?	?	OK	
Conscription ?	OK	OK	OK	NO	OK	OK	OK	NO	NO	OK	OK	OK	
Slavery?	OK	OK	NO	NO	NO	NO	?	NO	?	?	?	OK	
Freedom of Religion?	?	?	?	OK	OK	OK	NO	NO	?	NO	NO	NO	

*In the Common Law tradition Judges make law by pragmatically answering narrow questions, the answer then becomes the law. But in Civil Code traditions, only legislatures can make law. But Legislatures are dominated by political parties which tend to be defined by ideology. This can create problems, especially if it is a rogue ideology.

Communitarianism versus Libertarianism

- **The core ideological issues of modern civics is Libertarian/Liberalism versus Communitariansim/(Democratic)Socialism.**

(All other ideological constructs have proven to be mostly a nuisance to sound administration of civics. They may or may not function well or be perfectly sound as a personal system of governance, but for civics, governance of society, at some point, usually quite soon, they quickly become overwrought to the point of approaching an absurdity in some areas.)

- **Libertarianism and Communitarianism, together, can form a complete system, essentially as an ideological double helix, each the counter point to the other so that they can perform the function of a sort of check and balance upon the excesses of the other.** There is some overlap between the two. For instance, both say “no” to slavery: Libertarians because slavery is not free, Communitarians because slavery is not fair.
- Libertarian/Liberalism **core value is freedom.** *Its vice (at the extreme) is a lack of accountability to others for one's actions.* (“People are at their worst when they are least accountable for their actions” – M. Scott Peck, M.D. in “People of the Lie : The Hope of Curing Human Evil” also see Keynes on the evils of “absentee landlordism.”)
- Communitarianism/Socialism's **core value is fairness.** *It's vice is imposing excessive control, regulation or conformance by a collective upon individuals or groups of individuals, sometimes to the point of cruelty, other times merely to the point of dysfunction.* (It should be noted, destructive behavior by a mob – a collective or communal group – spawns from individuals transferring their accountability to the group, which in turn acts without accountability.)

- Libertarianism, that is, freedom, unconstrained by fairness becomes “might makes right” (aka “the law of the jungle”); the strong are free to do whatever they want, the weak then are constrained by the strong. This in essence is primitive barbarism. Libertarianism, that is to say, freedom, is meaningless unless it is constrained by some principles of fairness. In civics, this means Libertarianism cannot have priority over fairness (communitarian concerns). In general, “liberty under the law” is liberty confined by fairness: One is free up to the extent one's freedom “unfairly” constricts upon another person's liberty.

The arc of history has been an attempt to bend history towards justice, that is to say, fairness. The long arc of history has been an attempt to impose constraints upon liberty in order to arrive at some kind of fairness. Serious attempts at this did not arrive until the Axial Age (500b.c.e., give or take 160 years) when suddenly it attempts at fairness began to manifest itself, separately but nearly simultaneously, throughout the Eurasian periphery: China (Loa Tzu, Confucius); India (Buddha, Jina[?]); Iran (Zoroaster); Israel/Babylon (Deutero-Isaiah); Greece (Socrates, sophist philosophers); Rome (12 tables of Roman Law). Most pre-modern systems impose excessive constraints upon individuality. Anyone familiar with Confucianist societies is aware of the excessive pressure to impose conformity upon individuals. (“The nail that sticks up will be hammered down” – is a Japanese saying that is applicable in other Confucian societies.) (The dominant theme throughout Taiwanese film director Ang Lee's impressive body of work demonstrates an extensive interest in the dichotomy between a persons internal self versus the conforming external self they are forced or compelled to demonstrate to the outside world. This is not an issue a Western person would obsess about.)

- The problem for society remains: when **to apply a communitarian ethic and when to apply a libertarian ethic and when to ignore either altogether?** Furthermore, should the application be “floating point”, that is, if the context of the situation changes, shouldn't the standard applied change with it? How do you do that?

The agencies of Common Law arrived at how to do this a long time ago through austere, primitive, but effective means. Society asked judges narrow questions, and Judges, in turn, provided narrow answers, not based upon any ideology, but pragmatism (in the ordinary use of the term, i.e. common sense) in the context asked. Pragmatism/common sense, shaped by the jurisprudence of the carrot and the stick, lead Common Law judges to render decisions with a bias towards self enforcing decisions. Because decisions based upon fairness (first priority) and freedom (second priority) tend to be self enforcing, over thousands of decisions made over hundreds of years, judges developed a bias towards decisions that relied upon these principles in this order of priority: fairness first, liberty second (all other considerations third). If you reverse the priority between fairness and liberty you get rank, primitive barbarism.

Civil code systems, lacking such agency ran into enormous problems when rogue ideologies managed to dominate legislatures during the great international crisis that befell the globe in the first half of the 20th century. The answer to which was characteristically found by Common Law societies as they muddled through the crisis: (also characteristically) mixed economic systems. Meanwhile the rise of East Asian societies in the second half of the 20th century and first half of the 21st century was underwritten, in a large part, by abandonment of ideology in public policy in favor of pragmatism (especially in China beginning after 1977). However the mechanisms for systematic pragmatism in law and politics may not yet have arrived in some of those societies.